IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.29126 of 2004
ARUN KUMAR SINGH & ANR
Versus
STATE OF BIHAR & ANR

05/ 09-07-2008 Heard the learned counsel for the petitioners, the learned counsel for the State and the learned counsel for Opposite Party No. 2.

It appears that against the order of cognizance dated 28.11.2000 passed in Complaint Case No. 38C of 2000 by the learned Judicial Magistrate, Ist Class, Bihar Sharif the petitioners preferred Criminal Revision No. 72 of 2001 before the learned Sessions Judge, Nalanda at Bihar Sharif. The said revision was transferred to the court of 7th Additional Sessions Judge, Bihar Sharif who dismissed the Revision by order dated 7.4.2004 without hearing the petitioners' counsel.

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The petitioners' counsel is present and he is ready to argue the matter before the learned Sessions Judge.

In the facts and circumstances of the case, the order dated 7.4.2004 passed in Criminal Revision No. 72 of 2001 by the 7th Additional Sessions Judge, Bihar Sharif is set aside and the matter is remanded to the learned Sessions Judge, Nalanda at Bihar Sharif for fresh consideration according to law. The petitioners will be free to raise all the points before the learned Sessions Judge.

With the aforesaid direction this application stands disposed of.

S.Sb/- **(Madhavendra Saran, J.)**

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